

**LAW OFFICE OF JOHN T. SERIO  
ATTORNEY AT LAW**114 OLD COUNTRY ROAD  
SUITE 420  
MINEOLA, NY 11501

NOT ENDORSED

JOHN T. SERIO

Application: Granted / Denied  
By Order of:TEL (516) 248-5317 Ext. 14  
FAX (516) 294-5348  
EMAIL jtserio@optonline.netCathy Seibel  
Cathy Seibel, U.S.D.J.

December 15, 2012

**By Facsimile**Honorable Cathy Seibel  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150Dated: 12/15/11Re: Nance M. Hutter v. Countrywide Bank, N.A. et al.,  
Case #: 09 CV 10092 (CS) (LMS)

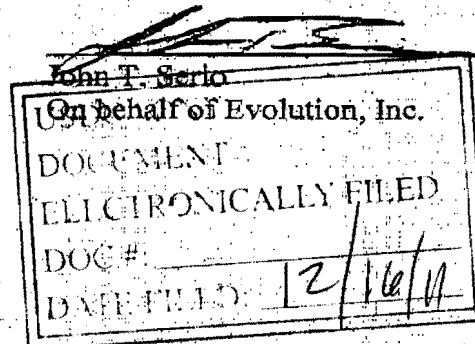
Dear Judge Seibel:

On December 12, 2011, due to the inability to contact their attorney of record, Scott Tod Ackerman, I wrote on behalf of Watermark Inc., requesting an extension of time to answer the Third Amended Complaint. That request was granted by Your Honor. (ECF filing #51). I once again write concerning the same issue.

Since my initial request to the Court, and to reiterate the confusion concerning defense counsel, I have subsequently learned that Mr. Ackerman was also the attorney of record for Evolution Inc., another named defendant herein. As such, my original request for an extension of time should have also been made on their behalf. Accordingly, I request that Your Honor grant an extension of time for defendant Evolution to answer the TAC, Nunc Pro Tunc, to December 12, 2011. At this time, I cannot state as to whom may be substituted as counsel for Evolution. Nevertheless, the same issues facing defendant Watermark concerning their legal representation, are also present as well for Evolution. It is apparent that fairness seems to suggest that they too should be permitted time to retain new counsel.

Thank you for your courtesy and consideration in this matter.

Respectfully submitted,

TO: Kenneth C. Rudd  
Zeichner Ellman & Krause LLP  
Attorney for defendant Country Wide  
575 Lexington Avenue  
New York, NY 10022  
Fax - (212) - 753 - 0396

Steven A. Katz, P.C.  
*Attorney for Plaintiffs*  
111 John Street, Suite 800  
New York, NY 10038  
Fax (212) 349-6407

Scott Tod Ackerman  
Sackstein Sackstein and Lee, LLP  
Current Attorney for Watermark Inc., and Evolution  
1140 Franklin Avenue, Suite 210  
Garden City, NY 11530  
Fax (516) 248 - 7268